

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JACK CHARLES FUQUA,

Petitioner,

v.

Civil Case Nos. 17-12846, 17-12847  
Criminal Case Nos. 13-20066, 13-20516  
Honorable David M. Lawson

UNITED STATES OF AMERICA,

Respondent.

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**ORDER VACATING JUDGMENTS AND DENYING MOTIONS  
FOR DISCOVERY AND MOTIONS TO VACATE SENTENCES**

The petitioner was indicted in two separate criminal cases with related charges of drug trafficking and firearm possession. Pursuant to a Rule 11 plea agreement, the cases were consolidated for a global resolution, and the defendant subsequently entered a guilty plea. On October 7, 2014, the previously assigned district judge sentenced the defendant in both cases to 136 months in prison. In August 2017, the defendant filed a motion to vacate his sentence under 28 U.S.C. § 2255 and a motion for discovery. The motion challenged the judgments entered in both matters, and it was filed identically under both docket numbers. On October 31, 2018, the Court issued an opinion and judgment addressing all of the arguments raised in the motion, finding that the challenge was without merit as to both judgments. However, although the opinion adjudicated the claims as they related to both cases, it was docketed under only one of the related docket numbers. After the matter was reassigned to the undersigned, the Court issued a perfunctory order and judgment denying relief in the still-pending matter. The petitioner subsequently informed the Court that he never received notice of the judgment entered in the other case in 2018, and he filed a motion for relief from judgment asking the Court to vacate and reenter the judgments so that he could have the opportunity timely to file an appeal.

The Court finds that in the interests of justice and in order to correct the procedural error whereby judgment was not properly issued in the affected matters, and because the petitioner never received notice of the judgment that was issued, the previously issued judgments should be vacated and reissued in the coordinated manner originally intended by the Court. *See* Fed. R. Civ. P. 60(a) (“The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice.”). This order shall be entered in both affected matters and judgments shall enter separately in each case.

Accordingly, it is **ORDERED** that the petitioner’s motions for relief from judgment (No. 13-20516, ECF No. 48, 49) are **GRANTED**.

It is further **ORDERED** that the judgments entered on October 31, 2018 (No. 13-20066, ECF No. 82), and on January 15, 2020 (No. 13-20516, ECF No. 47), are **VACATED**.

It is further **ORDERED**, for the reasons stated in the October 31, 2018 opinion of the Court issued under docket number 13-20066 (ECF No. 81), that the petitioner’s motions to vacate sentence (No. 13-20066, ECF No. 71; No. 13-20516, ECF No. 41) and motions for discovery (No. 13-20066, ECF No. 70; 13-20516, ECF No. 40) are **DENIED**.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Date: March 31, 2020

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first-class U.S. mail on March 31, 2020.

s/Susan K. Pinkowski  
SUSAN K. PINKOWSKI